

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 1 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

WINSTON SHROUT,

Defendant-Appellant.

No. 18-30228

D.C. No. 3:15-cr-00438-JO-1
District of Oregon,
Portland

ORDER

Before: CANBY and GRABER, Circuit Judges.

In reviewing the district court's denial of release pending appeal, we review factual determinations for clear error and legal determinations de novo. *United States v. Garcia*, 340 F.3d 1013, 1015 (9th Cir. 2003).

The district court did not err in finding that appellant has not shown, by clear and convincing evidence, that appellant is not likely to pose a danger to the safety of any other person or the community if released. *See* 18 U.S.C. § 3143(b); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985). Accordingly, appellant's motion for bail pending appeal (Docket Entry No. 6) is denied.

Appellant's motion to extend time to file the opening brief (Docket Entry No. 18) is granted.

The opening brief and excerpts of record are due March 18, 2019; the answering brief is due April 17, 2019; and the optional reply brief is due within 21 days after service of the answering brief.